

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2403-02
BILL NO.: HB 1670
SUBJECT: Increases Penalty for Certain Repeat Sexual Offenders
TYPE: Original
DATE: February 2, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and **Office of Prosecution Services** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of Prosecution Services (SPD)** stated for the purpose of this proposal, the SPD has assumed existing staff could provide representation for those 15 to 20 cases arising where indigent persons were charged with repeat sexual misconduct. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases. The SPD provided representation in 157 sexual misconduct cases in Fiscal Year 1999.

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the DOC stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in this proposal. An increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (at least \$35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (at least \$3.00 per offender, per day). Due to the wide variance of newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown.

The DOC anticipates that new beds might have to be constructed to accommodate the number of offenders receiving longer sentences due to this proposal. At this time, the DOC is unable to determine the number of people that would be convicted under the provisions of this proposal to estimate the fiscal impact for additional capital improvements.

Estimated construction cost for one new maximum security inmate bed is \$48,800.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>			
Increased Prisoners and/or Increased Costs Associated with Additional Persons Placed on Probation	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>
ESTIMATED EFFECT ON GENERAL REVENUE FUND	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0
<u>FISCAL IMPACT - Small Business</u>			

No direct fiscal impact to small businesses would be expected as a result of this proposal.


DESCRIPTION

Chapter 566.093 describes the crime of sexual misconduct, which is punishable as a Class B misdemeanor. This proposal increases the penalty for persons who have twice previously pled guilty to or been convicted of the provisions in Chapter 566.093. This proposal would increase the penalty to a Class D felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services
Office of State Public Defender
Department of Corrections
Office of State Courts Administrator


Jeanne Jarrett, CPA
Director
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